

*Tiki Brown*  
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Clerk of State Court  
Clayton County, Georgia  
Hannah Lowery

**IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA**

**ISAAC OPPONG,**

**Plaintiff,**

**v.**

**ROBERT E. SEALS, PCF  
TRANSPORTATION, LLC, and  
TRAVELERS INDEMNITY COMPANY,**

**Defendants.**

**CIVIL ACTION  
FILE NO: 2023CV00060**

**JURY TRIAL DEMANDED**

**COMPLAINT**

COMES NOW Plaintiff, in the above-styled action, and hereby files his Complaint as follows:

**1.**

Plaintiff Isaac Oppong is subject to the venue and jurisdiction of this Court.

**2.**

Defendant Robert E. Seals resides at 23750 US Highway 231, Ragland, AL 35131. Defendant Seals may be served with original summons and complaint at his place of residence.

**3.**

Defendant Seals may also be served at his place of residence pursuant to the Georgia Non-Resident Motorist Act or the Georgia Long Arm Statute.

**4.**

Defendant Seals is subject to the venue and jurisdiction of this Court.

5.

Defendant PCF Transportation, LLC (“Defendant PCF”) is a foreign profit corporation having its principal office located at 1220 3<sup>rd</sup> Street West, Birmingham, AL 35204. Defendant PCF has failed to designate an agent in the State of Georgia and as such it has designated the Georgia Secretary of State as its agent for service. Defendant PCF may be served by serving the Georgia Secretary of State pursuant to O.C.G.A. § 40-1-117 – Personal Jurisdictions; nonresident motor carrier. Venue and jurisdiction are proper in this Court.

6.

Defendant Travelers Indemnity Company (“Travelers”) is a foreign corporation registered to do business in Georgia. It has its principal office at One Tower Square, Hartford, CT 06183. Defendant Travelers may be served with summons and complaint through its registered agent for service of process, Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, GA 30092. Venue and jurisdiction are proper in this Court.

7.

On February 24, 2022, Defendant Robert E. Seals was an employee and/or agent of Defendant PCF, driving a vehicle owned by Defendant PCF within the course and scope of his employment and/or agency. Therefore, Defendant PCF is liable, as respondeat superior, for the negligent acts and omissions of Defendant Seals on February 24, 2022.

8.

On February 24, 2022, Defendant Travelers was the primary insurer of Defendant Seals and Defendant PCF. Defendant Travelers insured these Defendants under a liability policy numbered HE-840-9C579528-TCT-21. As Defendant PCF was a motor common carrier or motor contract carrier on or about February 24, 2022, Defendant Travelers is contractually liable for, and

is a surety with respect to, the acts and omissions of Defendants Seals and Defendant PCF that led to the February 24, 2022 collision and resulting injuries of Plaintiff, as outlined below. Defendant Travelers is subject to suit pursuant to Georgia's Direct Action Statute, O.C.G.A. § 40-2-140.

**9.**

Defendants have been properly served with process in this matter.

**10.**

On February 24, 2022, Plaintiff was stopped at a red light in the far-right lane of a two-lane roadway on Battle Creek Road, at the intersection of Battle Creek Road and South Lake in Clayton County, Georgia.

**11.**

As Plaintiff waited for the red light in the right lane, Defendant Seals began to turn right from the left lane and cut across Plaintiff's lane to turn onto South Lake.

**12.**

As Defendant Seals made a right turn across Plaintiff's lane, he struck Plaintiff's vehicle.

**13.**

The impact of this collision caused Plaintiff to suffer physical injury, pain and suffering, and lost wages.

**14.**

Plaintiff incurred \$146,908.90 in medical bills as a direct result of the injuries he sustained in the collision caused by Defendant Seals.

**15.**

Plaintiff incurred approximately \$43,271.17 in lost wages as a direct result of the injuries he sustained in the collision caused by Defendant Seals.

**16.**

Plaintiff incurred a total of \$190,180.07 in special damages as a direct result of the injuries he sustained in the collision caused by Defendant Seals.

**17.**

On February 24, 2022, Defendant Seals's negligence included, but was not limited to, one or more of the following: failing to make reasonable and proper observations while driving his vehicle; failing to observe and take proper precautions to keep his vehicle from colliding with Plaintiff's vehicle; failure to properly make a right turn in violation of O.C.G.A. § 40-6-120; Failure to exercise ordinary diligence, in violation of O.C.G.A. § 51-1-2; driving a vehicle without due caution and circumspection and in a manner so as to endanger the person and/or property of others in the immediate vicinity in violation of O.C.G.A. § 40-6-241; driving his vehicle in reckless disregard for the safety of persons and/or property in violation of O.C.G.A. § 40-6-390; and committing other negligent and reckless acts and omissions as may be shown by the evidence and proven at trial.

**18.**

Defendant Seals and Defendant PCF are negligent per se for violations of Georgia statutes, FMCSR regulations, Georgia Commercial Driver's Manual rules, and any and all other applicable rules and regulations, whether national or state.

**19.**

At all relevant times, Defendant PCF was also negligent for entrusting Defendant Seals with their vehicle, and for negligently hiring, training and retaining Defendant Seals, such that Defendant Seals was in a position to cause this collision.

**20.**

Defendants admit liability for causing the subject collision.

**21.**

At all relevant times, Plaintiff did nothing to contribute to this collision in any way.

**22.**

Defendants are liable for all other acts of negligence as may be shown at trial.

**23.**

As a proximate and foreseeable result of Defendants' negligence, Plaintiff sustained serious injuries, pain and suffering (past and future), mental anguish (past and future), overwhelming medical expenses (past and future), and other damages. But for said negligence, Plaintiff would not have suffered these injuries or losses.

**24.**

All damages are in amounts as will be proven at trial and permitted under Georgia law.

**25.**

Each of the forgoing acts and omissions constitutes an independent act of negligence on the part of Defendants and one or more or all above-stated acts were the proximate causes of damages to Plaintiff.

**26.**

Defendants are liable for all damages recoverable under Georgia law.

**27.**

Plaintiff states his intention and desire to bring each and every permissible, proper, and authorized claim for damages permissible under all Georgia laws.

**28.**

Misconduct of Defendants giving rise to this Complaint for Damages was perpetrated in bad faith and has caused Plaintiff unnecessary trouble and expense.

**29.**

Under the circumstances, Plaintiff is entitled to recovery of expenses of litigation including attorney's fees pursuant to O.C.G.A. § 13-6-11.

**WHEREFORE**, Plaintiff respectfully prays and demands as follows:

- A. That Process and Summons issue, as provided by law, requiring Defendants to appear and answer Plaintiff's Complaint;
- B. That service be had upon Defendants as provided by law;
- C. That Defendants timely respond to the Interrogatories, Request to Produce, and Request for Admissions served herewith;
- D. That the Court award and enter a judgment in favor of the Plaintiff against Defendants in an amount to compensate for the conscious pain and suffering, physical injuries, mental injuries, economic injuries, and medical expenses Plaintiff has shown by all the evidence presented to the jury, plus interest and costs;
- E. Plaintiff be awarded all damages, including, but not limited to, all general, special, compensatory, economic, and other allowable damages, in accordance with the enlightened conscience of an impartial jury, from the Defendants, and as permitted under Georgia law;
- F. That Plaintiff has a trial by jury as to all issues; and,

G. That Plaintiff has such other and further relief as the Court may deem just and proper.

Respectfully submitted by attorneys for Plaintiff,

**THE DIXON FIRM, PC**

/s/ Enrique Ramos

S. K. Rod Dixon

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